

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**

DISTRICT OF COLUMBIA	)	
A municipal corporation	)	
1200 First St., N.E., 5 <sup>th</sup> Floor	)	
Washington, DC 20002	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 1:11-cv-00282 (BAH)
v.	)	
	)	
Potomac Electric Power Company	)	
701 Ninth Street, N.W.	)	
Washington, D.C. 20068	)	
	)	
Pepco Energy Services, Inc.	)	
1300 North 17 <sup>th</sup> Street	)	
Suite 1600	)	
Arlington, VA 22209	)	
	)	
Defendants.	)	

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**JOINT STATUS REPORT**

**A. Introduction**

On December 1, 2011, the Court entered a Consent Decree between Plaintiff District of Columbia (the “District”), acting by and through the District of Columbia Department of Energy and Environment (“DOEE”), and Defendants Potomac Electric Power Company and Pepco Energy Services, Inc. (collectively, “Pepco” and together with DOEE, the “Parties”). Electronic Case File (“ECF”) No. 32. The Consent Decree obligated Pepco to perform a Remedial Investigation / Feasibility Study (“RI/FS”) at the Benning Service Center site at 3400 Benning Road N.E., Washington, D.C., (the “Site”) and the adjacent segment of the Anacostia River.

On September 29, 2017, the Parties submitted a joint status report to the Court regarding their progress on the RI/FS. ECF No. 45. In that report, the Parties explained that Pepco had completed all of the field work that was planned at the time of previous status report on May 24,

2017, but the Parties had not yet completed the evaluation of the Phase II sampling data to determine whether any additional field sampling was necessary to complete the Remedial Investigation (“RI”). The Parties therefore proposed to submit a further status report to the Court by November 15, 2017, to advise the Court if any further sampling was necessary, and if so, describe the scope of any such further sampling and propose an adjustment to the schedule for completing any additional RI field work and the remaining elements of the RI/FS that are dependent on the results of the field sampling. By minute order on September 29, 2017, the Court approved that proposal and directed the Parties to submit another status report on November 15, 2017.

Since the filing of the last status report on September 29, 2017, the parties have worked diligently to complete their evaluation of the Phase II sampling data to determine the scope of any additional sampling. During this period, numerous additional samples collected during previous field sampling were submitted for laboratory analysis as part of an iterative process to define the horizontal and vertical extent of contamination at several key locations. In some cases that lab work has required as long as three weeks to be completed for each iteration of supplemental samples submitted for testing. As lab results have been received, Pepco has prepared and submitted several data summaries for review by DOEE. These submittals included waterside surface and subsurface sediment results, waterside forensics results, water side radiometric data, waterside background data, landside sampling data, background data, landside forensics, landside groundwater data, data from sampling at the adjacent Kenilworth Maintenance Yard, and background forensics. The Parties and their technical consultants held meetings to discuss these data submittals on October 25 and November 3, 2017.

The evaluation process is largely complete. Pepco has completed the validation of approximately 95% of all data received to date, and the vertical delineation of contaminants is now nearly complete. However, the horizontal extent of contamination is still not fully defined at several on-site locations, requiring further evaluation of existing sampling data and potentially another round of field sampling. In addition, further laboratory analysis of samples previously collected and frozen is necessary to complete the forensic analysis of contaminants in the river. The Parties therefore respectfully request another 30 days to complete this work, and propose to file another status report with the Court on or before December 15, 2017, at which time they will advise the Court regarding the scope and schedule of any further field sampling and data analysis necessary to complete the investigation and propose revised deadlines for completion of the RI/FS.

Dated: November 15, 2017

Respectfully submitted,

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